

E-Filed 6/28/2010

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

MEDIMMUNE, LLC,

Plaintiff,

v.

PDL BIOPHARMA, INC.,

Defendant.

Case Number C 08-05590 JF (HRL)

ORDER DENYING MOTION FOR AN
EMERGENCY CASE MANAGEMENT
CONFERENCE

[Re: Document No. 584]

Defendant PDL BioPharma, Inc. (“Defendant”) moves pursuant to Civil L.R. 6-10(c) for an immediate case management conference to resolve several disputes with respect to the scope of phase II fact discovery – discovery related to the new claims and defenses added just prior to the original fact discovery cut-off date. Defendant contends that because the discovery deadline is on July 20, 2010 “there is not time for the traditional process – motions to compel directed to the Magistrate Judge, followed by appeals to this Court under Federal Rule of Civil Procedure 72(a).” PDL’s Motion at 3. However, if a party objects to a decision by Judge Lloyd pursuant to the “traditional process” and the Court concludes that the objection is well-taken, the Court may exercise its discretion to extend the July 20 discovery deadline. Accordingly, while it urges the parties to resolve their discovery disputes informally pursuant to the guidance previously issued

1 both by this Court and by Judge Lloyd, the Court directs the parties to present their discovery
2 disputes to Judge Lloyd in the first instance. Defendant's motion for an emergency case
3 management conference is DENIED.

4 **IT IS SO ORDERED.**

5 Dated: June 28, 2010

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8 JEREMY FOGEL
9 United States District Judge
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